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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,990	03/14/2002	Bruce McGarian	66455-211-5	6439

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DYKEMA GOSSETT PLLC  
FRANKLIN SQUARE, THIRD FLOOR WEST  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

BOMAR, THOMAS S

ART UNIT PAPER NUMBER

3672

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/070,990

Applicant(s)

MCGARIAN, BRUCE

Examiner

Shane Bomar

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 August 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because Figures 8-10 are said to correspond with details A, B, and C of Figure 7. However, reference characters A, B, and C are used to represent structural elements of Figure 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because of numerous instances where different parts have the same reference number. For example, reference character "1" has been used to designate both a whipstock and an adapter sub, and reference character "2" has been used to designate both a hinge connector and a hex nut. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5,884,698 to Hughes et al.

Regarding claim 1, Hughes et al disclose a downhole system in Figs. 6-8 for locating and fixing equipment at required depth and orientation within a wellbore (see col. 1, lines 32-43). The system comprises a portion of wellbore casing 70 having an inner surface in which a latch profile 94 is defined (see col. 5, lines 4-23). The downhole apparatus comprises a latch sub 100 for locating equipment secured thereto at a required depth and orientation (see col. 5, lines 24-51), and an anchor packer 118 secured to the latch sub for releasably fixing the depth and orientation of the latch sub relative to the wellbore (see col. 5, lines 41-44). The latch sub 100 comprises a body 108 and a latching member 109 mounted on the body so as to be movable between a retracted position and an extended position (see col. 5, lines 32-34), the latching member 109 projecting a greater radial distance from the body when in the extended position than when retracted (see Figs. 7 and 8). The latching member 109 is adapted to project into the latch profile 94 when extended during use and wherein a first portion of the latch profile is adapted to be engaged by the latching member in such a way that, when pressed against the profile portion, the member 109 tends to slide along a wellbore casing edge defining the profile portion so as to locate the member 109 in abutment with a second profile portion 98 and thereby prevent further movement of the latch sub 100 in the direction of pressing (see col. 5, line 64 through col. 6, line 10). The latching member 109 is further adapted to engage an inherent third portion of the profile 98 in such a way that, when pressed against the third profile portion, the member 109 is moved towards the retracted position so as to permit movement of the apparatus past the profile 98 (see col. 5, lines 32-34 and col. 6, lines 11-31).

Regarding claim 2, a downhole portion of the latch profile 94 is of a V-shape (see Fig. 6).

Regarding claim 3, the anchor packer is a weight set anchor packer, since compression anchors are set by weight (see col. 5, lines 41-44).

Regarding claim 4, Hughes et al disclose an inherent method of positioning downhole equipment within a wellbore. The method comprises the steps of providing a latch profile in the wall of the well bore or casing, determining the position and orientation of the latch profile, making up a string comprising an anchor packer and equipment to be positioned within the well, the equipment being fixed relative to a latch member for locating in the latch profile and the equipment being positioned and oriented relative to the latch member in view of the determination so as to ensure a desired position and orientation of the equipment, running the string downhole, locating the latch member in the profile, sliding the latch member along an edge of the latch profile until a portion of the latch profile stops the sliding movement, and setting the anchor packer (see col. 5, line 24 through col. 6, line 10).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 703-305-4849. The examiner can normally be reached on Monday - Thursday from 7:00am to 4:30pm. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4198.

tsb   
October 2, 2003

  
David J. Bagnell  
Supervisory Patent Examiner  
Art Unit 3672